

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOJO DEOGRACIAS EJONGA,

Plaintiff,

v.

CHERYL STRANGE, et al.,

Defendants.

CASE NO. 21-cv-1004 RJB-JRC

ORDER ON REPORT AND  
RECOMMENDATION AND RE-  
REFERRING CASE

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge J. Richard Creatura (Dkt. 26) and the Plaintiff's Objections (Dkt. 36). The Court has considered the Report and Recommendation, objections, and the remaining record.

On July 27, 2021, the Plaintiff, filed this case, *pro se*, while a prisoner in the Washington State Reformatory ("WSR") at the Monroe Correctional Center ("MCC") asserting that Defendants violated his Eighth Amendment right to be free from cruel and unusual punishment when they double-celled him with another prisoner. Dkt. 7. The Plaintiff filed a motion for temporary restraining order and preliminary injunction on August 17, 2021. Dkt. 8. In this

1 motion, the Plaintiff requests that cells be returned to “[s]ingle-bunk” status for fourteen days.  
2 *Id.*

3 On September 17, 2021, a Report and Recommendation was filed in this case,  
4 recommending that the Plaintiff’s motion for a temporary restraining order and preliminary  
5 injunction be denied. Dkt. 26. The Plaintiff’s motion for an extension of time was granted (Dkt.  
6 35) and the Plaintiff has now filed his objections (Dkt. 36).

7 In his objections, the Plaintiff complains that “it has been nothing but lynching,  
8 stereotyping and inhumane treatment,” since he arrived at the facility. Dkt. 36. He maintains  
9 that the Defendants have not followed COVID-19 protocols to keep the inmates safe, particularly  
10 because they are “packing and stacking” them. *Id.* He points out that he only advocates for  
11 others because it is necessary in this situation – where a virus is spreading. *Id.* The Plaintiff  
12 acknowledges that the WSR is due to be closed at the end of October. *Id.* He asserts that even if  
13 his motion for a temporary restraining order and preliminary injunction is moot, the issues in the  
14 complaint remain. *Id.*

15 On November 8, 2021, a pleading was filed in the case indicating that the Plaintiff had  
16 been transferred to another facility. Dkt. 39.

### 17 DISCUSSION

18 The Plaintiff’s objections do not provide a basis to reject the Report and  
19 Recommendation. His assertions are addressed in the Report and Recommendation and are a  
20 repetition of his prior arguments. Plaintiff has recently been moved to a different facility. The  
21 relief he requested in his motion (Dkt. 8) is now moot. Accordingly, the Report and  
22 Recommendation’s recommendation that the Plaintiff’s motion for a temporary restraining order  
23 and preliminary injunction be denied (Dkt. 26) should be adopted and the motion (Dkt. 8) should  
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1 be denied as moot. This case should be re-referred to U.S. Magistrate Judge J. Richard Creatura  
2 for further proceedings.

3 It is **ORDERED** that:

- 4 • The Report and Recommendation (Dkt. 26) **IS ADOPTED** to the extent it  
5 recommends dismissal of the Plaintiff's motion for temporary restraining order  
6 and preliminary injunction;
- 7 • The Plaintiff's temporary restraining order and preliminary injunction (Dkt. 8) **IS**  
8 **DENIED AS MOOT**; and
- 9 • The case **IS RE-REFERRED** to U.S. Magistrate Judge J. Richard Creatura for  
10 further proceedings.

11 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge J.  
12 Richard Creatura, all counsel of record, and to any party appearing *pro se* at said party's last  
13 known address.

14 Dated this 15th day of November, 2021.

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17 ROBERT J. BRYAN  
18 United States District Judge  
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